

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

V.

NICOLI MANGIARACINA JR.,

Defendant.

Criminal Action No. 08- 151-m

**MOTION FOR DETENTION HEARING**

**NOW COMES** the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because case involves **(check all that apply)**:

X	Crime of violence (18 U.S.C. § 3156)
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\_\_\_\_ Maximum sentence life imprisonment or death

\_\_\_\_\_ 10+ year drug offense

\_\_\_\_\_ Felony, with two prior convictions in above categories

X	Minor victim
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Possession/ use of firearm, destructive device or other dangerous weapon

Failure to register under 18 U.S.C. § 2250

X Serious risk defendant will flee

\_\_\_\_ Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release which will reasonably assure (**check one or both**):

X Defendant's appearance as required

<u>X</u>	Safety of any other person and the community
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3. **Rebuttable Presumption.** The United States will/will not invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because (**check one or both**):

X  Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c), or a federal crime of terrorism, or a specified offense (Receipt of Child Pornography) with minor victim

Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the court conduct the detention hearing,

At first appearance

X  After continuance of  3  days (not more than 3).

5. **Temporary Detention.** The United States request the temporary detention of the defendant for a period of   days (not more than 10) so that the appropriate officials can be notified since (**check 1 or 2, and 3**):

1. At the time the offense was committed the defendant was:

(a) on release pending trial for a felony;

(b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;

(c) on probation or parole for an offense.

2. The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.

3. The defendant may flee or pose a danger to any other person or the community.

6. **Other Matters.**

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DATED this 29<sup>th</sup> day of August, 2008.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

BY:

  
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Edward J. McAndrew  
Assistant United States Attorney